

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
Case No. 5:20-cv-00069

MARY LORETTA PATRICK,)
)
 Plaintiff,)
)
 v.)
)
 KILOLO KIJAKAZI,)
 Acting Commissioner of Social Security,¹)
)
 Defendant.)

ORDER

THIS MATTER is before the Court on the Consent Motion for Attorney's Fees (Doc. No. 18). For the reasons stated in the motion, it is GRANTED.

IT IS THEREFORE ORDERED that the Parties have agreed that Plaintiff, Mary Loretta Patrick, is awarded attorney fees under the EAJA in the amount of \$5,575.00 in full and final settlement of attorney fees and costs arising under the Equal Access to Justice Act (EAJA). 28 U.S.C. § 2412(d). Pursuant to the United States Supreme Court's ruling in *Astrue v Ratliff*, 130 S. Ct. 2521 (2010), these EAJA fees are payable to Plaintiff as the prevailing party, and are subject to offset through the Treasury Department's Offset Program to satisfy any pre-existing debt Plaintiff may owe to the federal government. If, subsequent to entry of the Consent Order, the Commissioner determines that Plaintiff owes no debt to the government that would subject this award of attorney fees to offset, the Commissioner may honor Plaintiff's signed assignment of

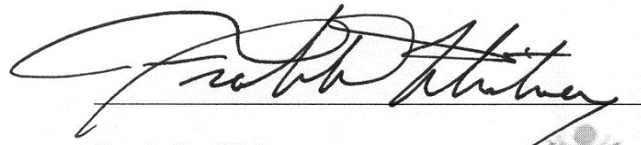
¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

EAJA fees providing for payment of the subject fees to Plaintiff's counsel, rather than to Plaintiff. If such a debt is present, then any remaining fee after offset will be payable to Plaintiff and delivered to Plaintiff's counsel.

It is therefore ORDERED that, pursuant to the above, the Consent Motion (Doc. No. 18) is GRANTED, and the Commissioner pay the sum of \$5,575.00 in full satisfaction of any and all claims arising under EAJA, 28 U.S.C. § 2412(d), and upon the payment of such sums this case is dismissed with prejudice.

IT IS SO ORDERED.

Signed: September 2, 2021


Frank D. Whitney
United States District Judge

